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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,561	10/08/2001	Jari Satomaa	BER-025	6046

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RONALD CRAIG FISH, A LAW CORPORATION
PO BOX 820
LOS GATOS, CA 95032

EXAMINER

HENEGHAN, MATTHEW E

ART UNIT PAPER NUMBER

2134

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/973,561		SATOMAA ET AL	
	Examiner		Art Unit	
	Matthew Heneghan		2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 6 March 2006 has been entered.

2. In response to the previous action, Applicant amended claims 2-9 and 11 and cancelled claims 1 and 10 in an after-final amendment that was submitted on 19 January 2006 and which was entered. In the amendment filed with an RCE on 6 March 2006, Applicant has further amended claim 11 and added claims 12 and 13. Claims 2-9 and 11-13 have been examined.

Specification

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3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Though the specification discloses the use of firewalls, the specification does not disclose a "firewall device," which appears to comprise, in addition to the firewall itself, a wireless communication device as recited in claims 11 and 12.

Claim Objections

4. Claims 2-9 are objected to because of the following informalities: Each claim claims a firewall device, rather than a network management system as recited in the preamble of base claim 11. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 2-9 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original disclosure does not have a "firewall device" comprising a management interface and a wireless communication device, as recited in claim 11, but rather has a firewall that is *connected to* the wireless communication device. For purposes of the prior art search, it is being presumed that claim 11 is meant that each limitation is comprised within the network management system, rather than the firewall itself.

Claims 2-9 depend from rejected claim 11, and include all the limitations of that claim, thereby rendering those dependent claims as failing to comply with the written description requirement.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 12, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 13 recites the limitation "said firewall" in line 4. There is insufficient antecedent basis for this limitation in the claim. It is being presumed that this refers to the firewall device of claim 12, line 13.

Claim 13 also recites the limitation "a firewall device" in line 5. It is unclear whether this is the same firewall device as the firewall device in line 13 of base claim 12. As it appears to simply repeat the claimed matter of base claim 12, the second limitation of claim 13 is being ignored.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,640,097 to Corrigan et al.

As per claim 12, Corrigan discloses a system for managing nodes on a network including a wireless user connection for interfacing with a portal, which inherently requires a wireless modem (see column 3, line 65 to column 4, line 20). This includes user services, which are also usable from the user platform, a limited management

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interface for system users including several network security functionalities, such as subscribe provisioning, subscriber authentication, and secure access to services (see column 4, lines 21-47). A firewall is disclosed (see column 3, lines 47-50) that transmits data, including management data, to/from the network.

As per claim 13, Corrigan further discloses the interface device for handling incoming/outgoing data having node stacks for HTTP/TCP/IP, SMS, and WAP, and converts the data streams for these external protocols as necessary. The system also has a web-based (HTTP) interface for internally storing and presenting information (see column 4, lines 49-62), and therefore functions as a web server.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 5-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,453,353 to Win et al. in view of U.S. Patent No. 6,496,927 to McGrane et al.

Regarding claim 11, Win discloses a management system that can be accessed via a wireless link (see column 26, lines 29-39), wherein different administrative roles

may be configured having full or limited privileges, including full or limited administrative user interfaces (see column 16, lines 3-28 and Table 1, particularly the independently configurable first and third items in Table 1). Since the invention involves the authentication and authorization of users (see abstract), it is a network security application. Win's system includes one or more firewalls (see column 21, lines 50-67), which are part of the system being managed.

Though Win discloses the availability of limited user interfaces for any device (such as the firewall), Win does not disclose the maintaining of that interface within the respective devices themselves.

McGrane discloses a user interface for any controlled device that has both a full user interface (in a master control unit) via a computer (see column 6, lines 20-38) and a limited user interface (accepting a subset of the commands) accessible via a wireless link (see abstract column 4, line 25 to column 5, line 26) and updates variables in the system (i.e. modifies configuration information, see column 3, lines 44-45). McGrane further suggests that this is done so that one remote control can similarly all of one or more devices (see column 1, line 63 to column 2, line 25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Win by installing in devices, such as the firewalls, a user interface for any controlled device that has both a full user interface and a limited user interface accessible via a wireless link, as disclosed by McGrane, so that one remote control can similarly all of one or more devices.

As per claims 2 and 9, a super-user role is used to populate and maintain the system (see column 17, lines 14-27), and the administrative roles may be created to update or modify network applications (Table 1). As noted, McGrane modifies configuration information (e.g. the power state).

Regarding claims 5 and 6, McGrane discloses the use of IR but suggests the use of alternative wireless protocols (see column 5, lines 21-26).

Official notice has previously been given that it is well-known in the art to use WAP and SMS protocols in wireless communications, as the use of industry-standard protocols allows for greater interoperability.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to further implement the invention of Win and McGrane by using WAP and SMS for wireless communications, as the use of industry-standard protocols allows for greater interoperability.

As per claim 7, communications with the central servers use HTTP (see column 8, lines 1-22).

As per claim 8, any user interface may be used on any device interfacing with the system (including wireless devices); users who are logged in and assigned roles must be authenticated at login (see column 6, lines 40-54).

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,453,353 to Win et al. in view of U.S. Patent No. 6,496,927 to McGrane et

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al. as applied to claim 11 above, and further in view of U.S. Patent No. 5,978,850 to Ramachandran et al.

Win and McGrane disclose a feature for notifying any user (including those with limited management access) of attacks (see Win, column 10, lines 1-13), but do not disclose a feature for acknowledging those notifications.

Ramachandran discloses a network wherein alarms must be retransmitted if no acknowledgement is received, ensuring that alert messages are not lost (see column 17, lines 26-39).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Win and McGrane by sending acknowledgements to alarms, as disclosed by Ramachandran, to ensure that alert messages are not lost.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,453,353 to Win et al. in view of U.S. Patent No. 6,496,927 to McGrane et al. as applied to claim 11 above, and further in view of U.S. Patent No. 6,253,211 to Gillies et al.

Win and McGrane disclose a feature the recording and viewing of log data by administrators and further notes that functionalities may be subject to user-configurable restrictions(see Win, as noted above), but do not specifically disclose variable viewing access to log data.

Gillies disclosed a monitoring system wherein the monitoring function being used by the administrator may be configured to filter out selected items from the log file for viewing, and further suggests that this prevents trivial information from reaching the administration terminal (see column 7, lines 11-32).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Win and McGrane by allowing for different views of the logs, as disclosed by Gillies, as this prevents trivial information from reaching the administration terminal.

Response to Arguments

11. Regarding Applicant's arguments filed 11 July 2005 regarding the meaning of the "firewall" as recited in claim 11 et al., Applicant's arguments must give way to the meaning imparted by the specification. See *In re Johnston*, 77 USPQ2d 1788 (Fed. Cir. 2006). Throughout Applicant's specification, the firewall is disclosed as working in conjunction with, rather than encompassing, the wireless data terminal (i.e. the wireless communications device) being used (see, for example, figures 2A, 2B, and 3). The new grounds of rejection reflect this claim construction.

Conclusion

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12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques, can be reached at (571) 272-6962.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

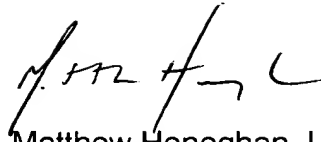
(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEH

May 26, 2006

A handwritten signature in black ink, appearing to read "M. Heneghan", written in a cursive style.

Matthew Heneghan, USPTO Art Unit 2134